

REMARKS

Claims 12 and 13 are the same as previously presented, while new claims 16 and 17 are currently being added. Basis for new claims 16 and 17 can be found throughout Applicant's specification, and in particular on page 16, lines 31-33, and page 9, line 30 - page 10, line 14.

The amendments to the claims presented herein do not introduce new matter within the meaning of 35 U.S.C. §132. Accordingly, the Examiner is respectfully requested to enter new claims 16 and 17.

1. Allowable Subject Matter

Applicant kindly thanks the Examiner for acknowledging on page 3 of the current Office Action that claim 13 is novel and unobvious over the cited prior art.

2. Rejection of Claim 12 Under 35 U.S.C. §102(b)

Applicant respectfully traverses the rejection of claim 12 under 35 U.S.C. §102(b) as being anticipated by Jutzi, et al. (i.e., *Journal of Organometallic Chemistry*, 500, (1995), 175-185).

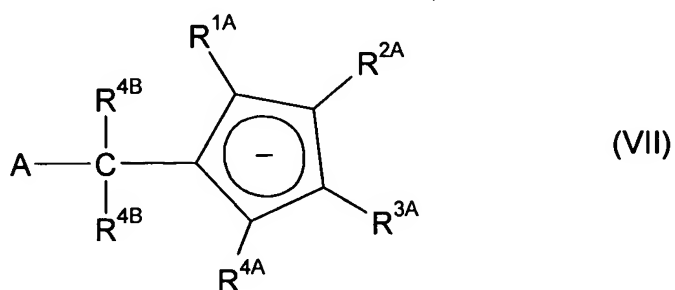
In particular, for a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claims is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

With respect to the instant rejection, the current Office Action states,

Scheme 2 on page 182 of Jutzi et al., . . ., shows a reaction that satisfies the reaction sequence set forth in the instant claims.

However, the resultant product produced in Jutzi, et al. is different than that currently claimed. In particular, Applicant is currently claiming a process for preparing cyclopentadienyl system anions of formula (VII)



wherein the anions of formula (VII) comprise a **C₁-bridge** between A and the cyclopentadiene. Alternatively, Scheme 2 in Jutzi, et al. produces pyridyl-functionalized cyclopentadienes, wherein the resultant compounds comprise a **C₂-bridge** between the pyridyl and cyclopentadiene. Accordingly, Applicant respectfully traverses the Examiner's contention that Jutzi, et al. "shows a reaction that satisfies the reaction sequence set forth in the instant claims." Therefore, Applicant respectfully believes the current rejection

should be withdrawn.

In light of the above, claims 12-13 and 16-17 are therefore believed to be patentable over Jutzi, et al. As such, reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the references of record. The Examiner is therefore respectfully requested to reconsider and withdraw the instant rejection, and allow pending claims 12-13 and 16-17. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned practitioner with any questions or comments.

Respectfully submitted,

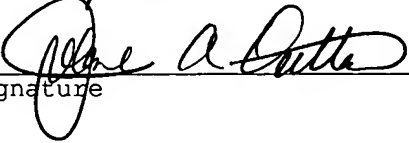
By: 

Jarrod N. Raphael
Registration No. 55,566
Customer No. 34872

Date: July 11, 2008
Basell USA Inc.
Delaware Corporate Center II
2 Righter Parkway, Suite 300
Wilmington, Delaware 19803
Telephone No.: 302-683-8176
Fax No.: 302-731-6408

Serial No. 10/539,342

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on July 11, 2008


Signature

July 11 2008
Date